

RESOLUTION OF THE PAPAGO COUNCIL

RES. NO. 18-73

WHEREAS, The Papago Council has been concerned with the fact that several of their people are now placed in nursing homes outside the reservation and therefore away from home, and

WHEREAS, The situation in the availability of nursing home space is getting more critical due to increase in cost and increase in the number of people needing nursing home care, and

WHEREAS, The Papago Council has always expressed a concern for their elderly and have been interested in having a nursing home on the reservation, and

WHEREAS, The individuals Mr. Joe Rickard and Mr. Thomas Gossett and their associates who are in the process of forming a non-profit corporation to be known as All Nations Indian Services Incorporated to provide nursing home care and other facilities on the reservation, and

WHEREAS, This organization has offered to construct such a facility on the Papago reservation to be operated on a non-profit basis.

NOW THEREFORE BE IT RESOLVED, That The Papago Council authorizes the Chairman of The Papago Council to enter into a binding contract on behalf of The Papago Council with the All Nations Indian Services, Inc. for the purpose of the construction and operation of the nursing home facility for The Papago Tribe.

The specific provisions of the contract are to be at the decision of the Chairman provided that the following conditions must be met:

1. The contract must provide that the All Nations Indian Services, Inc. shall at all times operate the nursing home as a non-profit non-sectarian facility.
2. The contract must provide that All Nations Indian Services, Inc. and any and all subcontractors thereof will employ Papago people whenever possible.
3. The contract may provide that the revenues of the facility shall not be subject to licensing and privilege taxes for a period which the Chairman in his discretion believes essential for the recoupment by All Nations Indian Services, Inc. of its initial capital investment.

4. The contract shall include provisions for the negotiation of the transfer of the facility and its operation to The Papago Tribe. Said provision may but need not include the agreement on the part of the Tribe to purchase the capital assets involved in the facility, but the price to be paid at the date of purchase shall not be greater than the actual cost of construction less depreciation computed by the straight line method.
5. The term of the contract shall be at the discretion of the Chairman but shall not be greater than 25 years, but the contract may provide for the negotiations of an additional term of up to 25 years at the end of the initial term.

In addition, The Papago Council hereby authorizes the Chairman to enter into negotiations for the lease of said appropriate site for the facility not in excess of five acres in area.

The Chairman shall assist in the obtaining of any permission from any agency or district government that may be required.

Said lease may be free of charge but must be for a term of not more than 25 years and must provide that any and all permanent improvements to the leasehold shall become the property of The Papago Tribe upon the termination of the lease.

The lease may provide for the negotiation of a subsequent term of up to 25 years at the end of the initial term.

The foregoing resolution was duly enacted by The Papago Council on the 18th day of April, 1973 by a vote of 18 for, 0 against, 2 not voting and 2 absent during a meeting at which a quorum was present, pursuant to authority vested in The Papago Council by Article V, Section 2(a), (e), (f) and (h) and Section 3(a) of the Constitution and By-Laws of The Papago Tribe of Arizona ratified by the Tribe on December 12, 1936 and approved by the Secretary of the Interior on January 6, 1937 (48 Stat. 984) pursuant to Section 16 of the Act of June 18, 1934. Said resolution is effective as of the date of its approval by the Superintendent of The Papago Agency and is not subject to review by the Secretary of the Interior.

THE PAPAGO COUNCIL

By: 

Augustine B. Lopez, Chairman

ATTEST:

Betsy J. Morris
Betsy J. Morris, Secretary

Joseph M. Lucero
Joseph M. Lucero, Superintendent
The Papago Agency

APPROVED: JUN 19 1973

